

106TH CONGRESS
2D SESSION

H. R. 4386

To amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2000

Mrs. MYRICK (for herself, Ms. DANNER, and Mr. LAZIO) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Breast and Cervical
3 Cancer Prevention and Treatment Act of 2000”.

4 **SEC. 2. OPTIONAL MEDICAID COVERAGE OF CERTAIN**
5 **BREAST OR CERVICAL CANCER PATIENTS.**

6 (a) COVERAGE AS OPTIONAL CATEGORICALLY
7 NEEDY GROUP.—

8 (1) IN GENERAL.—Section 1902(a)(10)(A)(ii)
9 of the Social Security Act (42 U.S.C.
10 1396a(a)(10)(A)(ii)) is amended—

11 (A) in subclause (XIII), by striking “or”
12 at the end;

13 (B) in subclause (XIV), by adding “or” at
14 the end; and

15 (C) by adding at the end the following:

16 “(XV) who are described in sub-
17 section (aa) (relating to certain breast
18 or cervical cancer patients);”.

19 (2) GROUP DESCRIBED.—Section 1902 of the
20 Social Security Act (42 U.S.C. 1396a) is amended
21 by adding at the end the following:

22 “(aa) Individuals described in this paragraph are in-
23 dividuals who—

24 “(1) are not described in subsection
25 (a)(10)(A)(i);

26 “(2) have not attained age 65;

1 “(3) have been screened for breast and cervical
 2 cancer under the Centers for Disease Control and
 3 Prevention breast and cervical cancer early detection
 4 program established under title XV of the Public
 5 Health Service Act (42 U.S.C. 300k et seq.) in ac-
 6 cordance with the requirements of section 1504 of
 7 that Act (42 U.S.C. 300n) and need treatment for
 8 breast or cervical cancer; and

9 “(4) are not otherwise covered under creditable
 10 coverage, as defined in section 2701(c) of the Public
 11 Health Service Act (45 U.S.C. 300gg(c)).”.

12 (3) LIMITATION ON BENEFITS.—Section
 13 1902(a)(10) of the Social Security Act (42 U.S.C.
 14 1396a(a)(10)) is amended in the matter following
 15 subparagraph (F)—

16 (A) by striking “and (XIII)” and inserting
 17 “(XIII)”; and

18 (B) by inserting “, and (XIV) the medical
 19 assistance made available to an individual de-
 20 scribed in subsection (aa) who is eligible for
 21 medical assistance only because of subpara-
 22 graph (A)(10)(ii)(XV) shall be limited to med-
 23 ical assistance provided during the period in
 24 which such an individual requires treatment for
 25 breast or cervical cancer” before the semicolon.

1 (4) CONFORMING AMENDMENTS.—Section
 2 1905(a) of the Social Security Act (42 U.S.C.
 3 1396d(a)) is amended in the matter preceding para-
 4 graph (1)—

5 (A) in clause (x), by striking “or” at the
 6 end;

7 (B) in clause (xi), by adding “or” at the
 8 end; and

9 (C) by inserting after clause (xi) the fol-
 10 lowing:

11 “(xii) individuals described in section
 12 1902(aa),”.

13 (b) PRESUMPTIVE ELIGIBILITY.—

14 (1) IN GENERAL.—Title XIX of the Social Se-
 15 curity Act (42 U.S.C. 1396 et seq.) is amended by
 16 inserting after section 1920A the following:

17 “PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR
 18 CERVICAL CANCER PATIENTS

19 “SEC. 1920B. (a) STATE OPTION.—A State plan ap-
 20 proved under section 1902 may provide for making med-
 21 ical assistance available to an individual described in sec-
 22 tion 1902(aa) (relating to certain breast or cervical cancer
 23 patients) during a presumptive eligibility period.

24 “(b) DEFINITIONS.—For purposes of this section:

25 “(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The
 26 term ‘presumptive eligibility period’ means, with re-

1 spect to an individual described in subsection (a),
2 the period that—

3 “(A) begins with the date on which a
4 qualified entity determines, on the basis of pre-
5 liminary information, that the individual is de-
6 scribed in section 1902(aa); and

7 “(B) ends with (and includes) the earlier
8 of—

9 “(i) the day on which a determination
10 is made with respect to the eligibility of
11 such individual for services under the State
12 plan; or

13 “(ii) in the case of such an individual
14 who does not file an application by the last
15 day of the month following the month dur-
16 ing which the entity makes the determina-
17 tion referred to in subparagraph (A), such
18 last day.

19 “(2) QUALIFIED ENTITY.—

20 “(A) IN GENERAL.—Subject to subpara-
21 graph (B), the term ‘qualified entity’ means
22 any entity that—

23 “(i) is eligible for payments under a
24 State plan approved under this title; and

1 “(ii) is determined by the State agen-
2 cy to be capable of making determinations
3 of the type described in paragraph (1)(A).

4 “(B) REGULATIONS.—The Secretary may
5 issue regulations further limiting those entities
6 that may become qualified entities in order to
7 prevent fraud and abuse and for other reasons.

8 “(C) RULE OF CONSTRUCTION.—Nothing
9 in this paragraph shall be construed as pre-
10 venting a State from limiting the classes of en-
11 tities that may become qualified entities, con-
12 sistent with any limitations imposed under sub-
13 paragraph (B).

14 “(c) ADMINISTRATION.—

15 “(1) IN GENERAL.—The State agency shall pro-
16 vide qualified entities with—

17 “(A) such forms as are necessary for an
18 application to be made by an individual de-
19 scribed in subsection (a) for medical assistance
20 under the State plan; and

21 “(B) information on how to assist such in-
22 dividuals in completing and filing such forms.

23 “(2) NOTIFICATION REQUIREMENTS.—A quali-
24 fied entity that determines under subsection
25 (b)(1)(A) that an individual described in subsection

1 (a) is presumptively eligible for medical assistance
2 under a State plan shall—

3 “(A) notify the State agency of the deter-
4 mination within 5 working days after the date
5 on which determination is made; and

6 “(B) inform such individual at the time
7 the determination is made that an application
8 for medical assistance under the State plan is
9 required to be made by not later than the last
10 day of the month following the month during
11 which the determination is made.

12 “(3) APPLICATION FOR MEDICAL ASSIST-
13 ANCE.—In the case of an individual described in
14 subsection (a) who is determined by a qualified enti-
15 ty to be presumptively eligible for medical assistance
16 under a State plan, the individual shall apply for
17 medical assistance under such plan by not later than
18 the last day of the month following the month dur-
19 ing which the determination is made.

20 “(d) PAYMENT.—Notwithstanding any other provi-
21 sion of this title, medical assistance that—

22 “(1) is furnished to an individual described in
23 subsection (a)—

24 “(A) during a presumptive eligibility pe-
25 riod;

1 “(B) by a entity that is eligible for pay-
 2 ments under the State plan; and
 3 “(2) is included in the care and services covered
 4 by the State plan;
 5 shall be treated as medical assistance provided by such
 6 plan for purposes of section 1903(a)(5).”.

7 (2) CONFORMING AMENDMENTS.—

8 (A) Section 1902(a)(47) of the Social Se-
 9 curity Act (42 U.S.C. 1396a(a)(47)) is amend-
 10 ed by inserting before the semicolon at the end
 11 the following: “and provide for making medical
 12 assistance available to individuals described in
 13 subsection (a) of section 1920B during a pre-
 14 sumptive eligibility period in accordance with
 15 such section”.

16 (B) Section 1903(u)(1)(D)(v) of such Act
 17 (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

18 (i) by striking “or for” and inserting
 19 “ , for”; and

20 (ii) by inserting before the period the
 21 following: “ , or for medical assistance pro-
 22 vided to an individual described in sub-
 23 section (a) of section 1920B during a pre-
 24 sumptive eligibility period under such sec-
 25 tion”.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section apply to medical assistance for items and serv-
 3 ices furnished on or after October 1, 2000, without regard
 4 to whether final regulations to carry out such amendments
 5 have been promulgated by such date.

6 **SEC. 3. HUMAN PAPILLOMAVIRUS; ACTIVITIES OF CENTERS**
 7 **FOR DISEASE CONTROL AND PREVENTION.**

8 Part B of title III of the Public Health Service Act
 9 (42 U.S.C. 243 et seq.) is amended by inserting after sec-
 10 tion 317G the following section:

11 “HUMAN PAPILLOMAVIRUS

12 “SEC. 317H. (a) SURVEILLANCE.—

13 “(1) IN GENERAL.—The Secretary, acting
 14 through the Director of the Centers for Disease
 15 Control and Prevention, shall—

16 “(A) enter into cooperative agreements
 17 with States and other entities to conduct sen-
 18 tinel surveillance or other special studies that
 19 would determine the prevalence in various age
 20 groups and populations of specific types of
 21 human papillomavirus (referred to in this sec-
 22 tion as ‘HPV’) in different sites in various re-
 23 gions of the United States, through collection of
 24 special specimens for HPV using a variety of
 25 laboratory-based testing and diagnostic tools;
 26 and

1 “(B) develop and analyze data from the
2 HPV sentinel surveillance system described in
3 subparagraph (A).

4 “(2) REPORT.—The Secretary shall make a
5 progress report to the Congress with respect to
6 paragraph (1) not later than one year after the ef-
7 fective date of this section.

8 “(b) PREVENTION ACTIVITIES; EDUCATION PRO-
9 GRAM.—

10 “(1) IN GENERAL.—The Secretary, acting
11 through the Director of the Centers for Disease
12 Control and Prevention, shall conduct prevention re-
13 search on HPV, including—

14 “(A) behavioral and other research on the
15 impact of HPV-related diagnoses on individuals;

16 “(B) formative research to assist with the
17 development of educational messages and infor-
18 mation for the public, for patients, and for their
19 partners about HPV;

20 “(C) surveys of physician and public
21 knowledge, attitudes, and practices about gen-
22 ital HPV infection; and

23 “(D) upon the completion of and based on
24 the findings under subparagraphs (A) through
25 (C), develop and disseminate educational mate-

1 rials for the public and health care providers re-
2 garding HPV and its impact and prevention.

3 “(2) REPORT; FINAL PROPOSAL.—The Sec-
4 retary shall make a progress report to the Congress
5 with respect to paragraph (1) not later than one
6 year after the effective date of this section, and shall
7 develop a final proposal not later than two years
8 after such effective date, including a detailed sum-
9 mary of the significant findings and problems. The
10 report shall outline the further steps needed to make
11 HPV a reportable disease and the best strategies to
12 prevent future infections.

13 “(c) CONDOM EFFECTIVENESS; EDUCATION.—The
14 Secretary shall require that the Department of Health and
15 Human Services and all contractors, grantees, and sub-
16 grantees of such Department specifically state the effec-
17 tiveness or lack of effectiveness of condoms in preventing
18 the transmission of HPV, herpes, and other sexually
19 transmitted diseases in all informational materials related
20 to condoms or sexually transmitted diseases that are made
21 available to the public. The Secretary shall assure that
22 such information is made available to relevant operating
23 divisions and offices of the Department of Health and
24 Human Services. This subsection shall be effective within
25 6 months of the date of its enactment.”.

1 **SEC. 4. LABELING OF CONDOMS WITH RESPECT TO HUMAN**
2 **PAPILLOMAVIRUS.**

3 (a) IN GENERAL.—Section 502 of the Federal Food,
4 Drug, and Cosmetic Act (21 U.S.C. 352) is amended by
5 adding at the end the following:

6 “(u) If it is a condom, unless its label and labeling
7 bear information providing that condoms do not effectively
8 prevent the transmission of the human papillomavirus and
9 that such virus can cause cervical cancer.”.

10 (b) APPLICABILITY.—The amendment made by sub-
11 section (a) applies to condoms manufactured on or after
12 the expiration of the 180-day period beginning on the date
13 of the enactment of this Act.

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